

REMARKS

Currently, claims 14, 16-28, and 30-33, including independent claims 14, 24, and 28, are pending in the present application. Independent claim 14, for instance, is directed to an elastomeric article comprising a substrate body including a layer made of an elastomeric material and a surfactant layer covering the inside surface of the substrate body. The surfactant layer comprises a behentrimonium quaternary ammonium compound and a silicone.

In the Office Action, previous dependent claim 15, the limitations of which have now been incorporated into independent claim 14, was rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,133,090 to Modak, et al. in view of U.S. Patent No. 5,965,610 to Modak, et al. Modak, et al. '090 is directed to an antiviral glove that contains an inner coating disposed on an interior surface of an elastomeric body. The inner coating includes (a) an antiinfective agent selected from the chlorhexidine and salts thereof and (b) a lubricating agent that does not significantly absorb the antiinfective agent. In one embodiment, the lubricating agent may be corn starch modified with a surfactant, such as benzalkonium chloride or didecyldimethylammonium chloride. (Col. 2). The inner coating may also contain a biomedically acceptable polymer, such as a polyurethane or silicone.

As correctly noted by the Examiner, however, Modak, et al. '090 fails to disclose certain limitations of the present claims, such as a surfactant layer that contains a *behentrimonium* quaternary ammonium compound. Nevertheless, Modak, et al. '610 was cited in the Office Action as teaching the use of such a compound. Modak, et al. '610 describes a composition that contains an irritant-inactivating agent and a

substance that prevents the irritant-inactivating agent from binding to a surface. (Col 2, lines 29-37). In one embodiment, Modak, et al. '610 describes the use of chlorhexidine as an irritant-inactivating agent and zinc gluconate as an anti-binding substance for protecting the surface from any harmful side effects associated with absorption of the irritant-inactivating agent. (Cols 7-8). In Example 25, Modak, et al. '610 sets forth a specific mixture that includes (1) zinc gluconate; (2) a solvent (i.e., water or alcohol); and one or more of the following compounds:

- (3) Thickening agent;
- (4) Hydrophobic polymer;
- (5) Emulsifying agent;
- (6) Emollient and/or humectant; and
- (7) Antioxidant.

Numerous choices are given for each one of the listed components. Of all of the possible choices, Incroquat Behenyl TMS (behentrimonium methosulfate and cetearyl alcohol) is listed as one of several possible emulsifying agents. (Col 25, lines 26-30). In the Office Action, it was suggested that one of ordinary skill in the art would have found it obvious to substitute this very specific emulsifying agent in Example 25 of Modak, et al. '610 to provide improve anti-irritant properties. However, Applicants respectfully disagree.

The "Incroquat Behenyl TMS" of Modak, et al. '610 is used as an emulsifying agent. There is no teaching whatsoever that its provides "anti-irritant properties" or that it might be less irritant than the components already employed in the inner coating of Modak, et al. '090. In fact, when formed without antimicrobial agents, the zinc gluconate of the gel matrix, not the Incroquat Behenyl TMS, was said to be primarily responsible for the anti-irritant effect by forming a protective barrier film on the skin

surface. (Col 7, lines 42-49). Thus, for at least the reasons indicated above, Applicants respectfully submit that no motivation would have existed to select the Incroquat Behenyl TMS of the many possible ingredients for use in Modak, et al. '090.

The above-cited references were also combined to reject dependent claims 16-23, 21-23, 26-27, and 29-33. Applicants respectfully submit, however, that at least for the reasons indicated above relating to corresponding independent claims 14, 24, and 28, the dependent claims patentably define over the references cited. However, Applicants also note that the patentability of the dependent claims does not necessarily hinge on the patentability of the corresponding independent claims. In particular, some or all of these claims may possess features that are independently patentable, regardless of the patentability of claims 14, 24, and 28.

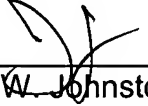
It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Miggins is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Appl. No. 10/636,056
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Respectfully requested,

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